

BOMBAY ACT No. LVII OF 1947.<sup>1</sup>[THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES,  
CONTROL ACT, 1947.]

[19th January 1948]

Amended by Bom. 36 of 1948.

" " " 3 of 1949.

" " " 53 of 1949.

" " " 58 of 1949.\*

" " " 59 of 1949.

" " " 16 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 53 of 1950.

" " " 42 of 1951.

" " " 43 of 1951.

" " " 15 of 1952.

" " " 4 of 1953.

" " " 61 of 1953.

" " " 46 of 1954.\*

An Act to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions.

WHEREAS it is expedient to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions; It is hereby enacted as follows :—

## PART I.

*Preliminary.*

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Short title. Control Act, 1947.

2. (1) Parts I and IV of this Act shall extend to the whole of the <sup>2</sup>[State] of Extent. Bombay.

(2) Parts II and III shall extend respectively to the areas specified in Schedules I and II to this Act and shall continue to extend to any such area notwithstanding that the area ceases to be of the description therein specified.

(3) The <sup>3</sup>[State] Government may, by notification in the *Official Gazette* extend to any other area any or all of the provisions of Part II or Part III or of both.

(4) The <sup>3</sup>[State] Government may, at any time by like notification direct that any or all the provisions of Part II or Part III or of both, as the case may be, shall cease to extend to such area and on such date as may be specified in the notification; and on that date the said provisions shall cease to be in force in such area.

3. (1) This Act shall come into operation on such date as the <sup>3</sup>[State] Government may, by notification in the *Official Gazette*, appoint in this behalf. <sup>4</sup>Commence-  
ment and  
duration.

(2) It shall remain in force up to and inclusive of the 31st day of March <sup>5</sup>[1959].

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<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Part V, page 364.

<sup>2</sup> This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

<sup>3</sup> This word was substituted for the word "Provincial", *ibid*.

<sup>4</sup> These figures were substituted for the figures "1954" by Bom. 61 of 1953, s. 2.

<sup>5</sup> The proviso to sub-section (2) was deleted, *ibid*, s. 2 (2).

\*Section 7 of Bom. 58 of 1949 reads as follows :—

"7. The amendments made in the said Act by the provisions of sections 4 and 5 of this Act shall Savings. not have any effect in respect of and apply to any suit or proceeding pending in any court on the date on which this Act comes into force or to execution or other proceeding arising out of any decree or order passed by any court before the date on which this Act comes into force and any such suit or proceeding shall be continued or instituted and disposed of as if this Act had not been passed."

\*Section 3 of Bom. 46 of 1954 reads as follows :—

"3. The amendment made by section 2 of this Act shall be deemed to have come into force on and Coming into force of section 2 of this Act with retrospective effect. from the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, came into force."

(3) Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act or upon this Act or any provision thereof ceasing to be in force in any area, as if it had then been repealed by a Bombay Act. <sup>1 of 1904.</sup>

## Exemptions.

4. (1) This Act shall not apply to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy or other like relationship created by a grant from the Government in respect of premises taken on lease or requisitioned by the Government ; but it shall apply in respect of premises let to the Government or a local authority.

(2) The <sup>1</sup>[State] Government may direct that all or any of the provisions of this Act <sup>2</sup>[shall not subject to such conditions and terms, as it may specify, apply generally].

<sup>3</sup>[(i) to premises used for a public purpose of a charitable nature or to any class of premises used for such purpose ;

(ii) to premises held by a public trust for a religious or charitable purpose and let at a nominal or concessional rent ; or

(iii) to premises held by a public trust for a religious or charitable purpose and administered by a local authority ].

<sup>4</sup>[(3) The <sup>1</sup>[State] Government may also by order direct that all or any of the provisions of Part III shall not apply to such hostel or institution or such class of hostels or institutions, subject to such terms and conditions, if any, as may be specified in the order.]

<sup>5</sup>[(4) (a) The expression "premises belonging to the Government or a local authority" in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be ; and

(b) notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof.]

Power of State Government to issue orders in respect of premises belonging to local authority.

<sup>6</sup>4A. Notwithstanding anything contained in this Act, the State Government may from time to time by a general or special order direct that the exemption granted to a local authority under sub-section (1) of section 4 shall be subject to such conditions and terms as it may specify either generally or for special reasons in any particular case and such conditions and terms shall be applicable to the premises belonging to the local authority with effect from such date either before or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as the State Government may in its discretion determine.] Bom. LXI of 1953.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were substituted for the words "shall not apply" by Bom. 53 of 1950, s. 2.

<sup>3</sup> This portion was substituted for the words "to premises used for a public purpose of a charitable nature or to any particular premises or class of premises used for such purpose", by Bom. 61 of 1953, s. 3.

<sup>4</sup> Sub-section (3) was added by Bom. 53 of 1950, s. 3.

<sup>5</sup> Sub-section (4) was added by Bom. 4 of 1953, s. 3.

<sup>6</sup> Section 4A was inserted by Bom. 61 of 1953, s. 4.

## SECTIONS.

## CHAPTER V.

## ADMINISTRATIVE MACHINERY.

20. District school board, authorized municipality to maintain adequate staff, pay, etc.
21. Administrative Officer.
22. Delegation of power to appoint Administrative Officer to certain authorized municipalities.
23. Staff selection committee.
24. Powers of Administrative Officers over school board staff.

## CHAPTER VI.

## PREPARATION AND ENFORCEMENT OF SCHEMES OF COMPUSSION.

25. Preparation of scheme.
26. Preparation of scheme by authorized municipality.
27. Particulars to be contained in scheme.
28. Sanction of State Government to scheme.
29. Modification, etc., of sanctioned schemes.
30. Power to exempt children of particular classes.
31. No fees to be charged in area of compulsion.
32. Duty of parent to cause children to attend school.
33. Meaning of reasonable excuse.
34. Issue of attendance order.
35. Penalty for failure to cause child to attend approved school.
36. Penalty for employing child to whom scheme applies.
- 36A. Courts competent to try offences under sections 35 and 36.
- 36B. Constitution of Primary Schools Panchayat ; its powers and procedure.
- 36C. Certificate of Head Master of approved school to be conclusive evidence of parent's failure to comply with section 32.
- 36D. Saving of pending proceedings.
37. Administrative Officer to be public servant.

## CHAPTER VII.

## APPROVED SCHOOLS.

38. Subjects, curricula, etc. of approved schools.
39. Recognition of and grants to approved schools under private management.
40. Inspection of approved schools : returns.

## CHAPTER VIII.

## FINANCIAL RELATIONS BETWEEN THE STATE GOVERNMENT AND LOCAL BODIES.

41. Payment to be made by district local board and non-authorized municipality.
42. Contribution by State Government.
43. District school board budget.
44. Primary education fund.
45. Application of primary education fund.
46. Deposit of primary education fund.
- 46A. Provident Fund.
47. Payment of travelling allowances to chairman, vice-chairman and members of school board.